

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROBERT J. KOENIG,

Plaintiff,

against

ROBERT F. MCDERMOTT, ROBERT T.  
HERRES, ROBERT G. DAVIS, DUANE  
DIVICH, JANICE MARSHALL PEEBLES,  
RICHARD J. FROESE, JOHN DOE, JANE  
DOE, who are also 18 U.S.C. § 1962(c)  
persons, and UNITED SERVICES  
AUTOMOBILE ASSOCIATIONS, a 18 U.S.C.  
§ 1962(c) victim,

ORDER ADOPTING MAGISTRATE  
REPORT AND RECOMMENDATION  
05-CV-4248 (JS)(ARL)

Defendants.

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APPEARANCES:

For Plaintiff: Robert J. Koenig, pro se  
P.O. Box 232  
Oyster Bay, New York 11771

For Defendants: No appearance

SEYBERT, District Judge:

Upon review of Magistrate Judge Arlene R. Lindsay's Report and Recommendation, dated April 18, 2006, to which no party has objected, the Court hereby ADOPTS the Report and Recommendation in its entirety. The Court dismisses this case for failure to prosecute. See Fed. R. Civ. P. 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 630-31, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962) (acknowledging the courts' power to dismiss cases *sua sponte*). The Clerk of the Court is ordered to mark this matter as CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
May 31, 2006